

REMARKS

Applicants respectfully request reconsideration of the present application in view of this response. Claims 1-30 are currently pending in connection with the present application. Of those, claims 1 and 26 are independent claims.

DRAWINGS

Applicants acknowledge the Examiner's acceptance of the drawings filed on September 23, 2003.

PRIORITY DOCUMENTS

Applicants thank the Examiner for acknowledging Applicants' claim for priority under 35 U.S.C. §119 and the indication that all necessary priority documents have been received.

INFORMATION DISCLOSURE STATEMENT

Applicants note that the Examiner has not yet considered the Information Disclosure Statement filed September 23, 2003. Accordingly, Applicants respectfully request that the Examiner consider the Information Disclosure Statement filed September 23, 2003 and indicate the status of such Information Disclosure Statement in the next USPTO correspondence.

PRIOR ART REJECTIONS

Rejections under 35 U.S.C. §102(b)

Claims 1-4, 6-9, 11, 12, 14, 15 and 17-30 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Stettner et al. (U.S. Patent No. 5,099,128, hereinafter referred to as "Stettner"). Applicants respectfully traverse this rejection.

On page 2 of the outstanding Office Action, the Examiner allegedly relies upon the photo sensor (13)(16) of Stettner for allegedly teaching the, "photo sensor," as set forth in claim 1. However, Applicants respectfully disagree with the Examiner's conclusion.

FIG. 3A of Stettner illustrates a detector including several stacked subsensor assemblies 13. As shown in FIG. 3B, each individual subsensor assembly 13 is a layered structure including a thin scintillator crystal slab 15, a microchannel plate amplifier array 16 and a detector array of anodes 18. This layered structure (15, 16, 18) is positioned on a silicon sapphire substrate 20, which is further attached to a printed circuit board 21.

In operation, radiation strikes the scintillator crystal slab 15 and produces photons. These photons subsequently produce electrons in the microchannel plate amplifier array 16. These electrons neutralize a positive charge on the detector array of anodes 18 and the charged state of the detector array of anodes 18 is transferred to the capacitor, resulting in the detector array of anodes 18 being reset to its original charged state.

However, Applicants respectfully submit that Stettner fails to teach or suggest a photosensor including, "a non-vanishing transparency to the electromagnetic radiation," and which, "electromagnetic radiation is passable through," as set forth in claim 1. In contrast, while the radiation arguably passes through the scintillator crystal slab 15, the incidence of the radiation on the scintillator crystal slab 15 produces photons, which produces electrons in the microchannel plate amplifier array 16. The electrons are then used to detect the electromagnetic radiation based on, at most, a charge state of the detector array of anodes 18. Thus, in the detector of Stettner, the electromagnetic radiation does not pass through the microchannel plate amplifier array 16 or the detector array of anodes 18; instead the photons produced by the scintillator crystal slab 15 are converted to electrons in the microchannel plate amplifier array 16. Accordingly, Applicants respectfully submit that Stettner fails to teach or suggest a photo sensor including, "a non-vanishing transparency to the electromagnetic radiation," and which, "the electromagnetic radiation is passable through," as set forth in claim 1, for example.

With regard to claims 2-4, 6-9, 11-12, 14-15 and 17-25, Applicants respectfully submit that these dependent claims are allowable at least by virtue of their dependency on claim 1.

With regard to independent claim 26, Applicants respectfully submit that independent claim 26 is also allowable for at least reasons somewhat similar to

those set forth above with regard to claim 1; however, independent claim 26 should be interpreted solely by the limitations presented therein.

With regard to claims 27-30, Applicants respectfully submit that these claims are allowable at least by virtue of their dependency upon allowable claim 26.

In view of the above, Applicants respectfully request withdrawal of the above rejection.

Rejections under 35 U.S.C. §103(a)

Claims 5, 10, 13 and 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Stettner in view of Yu et al. (U.S. Patent Publication No. 2002/0017612, hereinafter referred to as "Yu"). Applicants respectfully traverse this rejection.

On page 8 of the outstanding Office Action, the Examiner correctly recognizes that Stettner fails to teach or suggest at least, "organic photo diodes ... used as photosensors," as set forth in claim 5, for example, and relies upon Yu for allegedly teaching this limitation. However, as discussed above, Applicants respectfully submit that Stettner fails to teach or suggest all of the limitations as set forth in claim 1. Accordingly, even assuming *arguendo* that Stettner could be combined with Yu (which Applicants do not admit); Applicants respectfully submit that Yu would still fail to at least make up for the deficiencies of Stettner with regard to claim 1. Accordingly, Applicants respectfully submit that neither Stettner nor Yu neither alone nor in

combination teaches nor suggests all of the limitations set forth in claim 5, for example.

With regard to claims 10, 13 and 16, Applicants respectfully submit that these claims are allowable for at least reasons somewhat similar to those set forth above with regard to claim 5; however, claims 10, 13 and 16 should be interpreted solely by the limitations presented therein.

In view of the above, Applicants respectfully request withdrawal of the above rejection.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By *Ray Hyl* Reg. # 41,060
for Donald J. Daley
Reg. No. 34,313

DJD/AMW: jcp

P.O. Box 8910
Reston, VA 20195
(703) 668-8000